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BEFORE THE
LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

In the Matter of:

A DRAFT WATER DISCHARGE PERMIT
JBD, L.L.C., JBD CONSTRUCTION
and DEMOLITION LANDFILL

NO. 132838

PUBLIC MEETING
JUNE 17, 2008

6:15 P.M.

BURTON COLISEUM
7001 GULF HIGHWAY
LAKE CHARLES, LOUISIANA

deqmeet
A P P E A R A N C E S

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ALLEN
HEARING
LOUISIANA
LUNDQUIST,

KIRKPATRICK
OFFICER
DEPARTMENT OF
ENVIRONMENTAL
CVR

BEFORE:

QUALITY

REPORTED BY:
CERTIFIED COURT REPORTER

MR.

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1 P R O C E E D I N G S

2 MR. KIRKPATRICK: All right. We're going
3 to start the hearing. Can y'all hear me in the
4 back?

5 Good. If you can't hear me -- well, I
6 guess it wouldn't do you any good to raise your
7 hand if you can't hear me. So, let me know, and
8 I'll use the mic.

9 Good evening. Let the record reflect that
10 the time is 6:15 p.m. My name is Allen
11 Kirkpatrick. I am employed with the Louisiana
12 Department of Environmental Quality. I will be
13 serving as the Hearing Officer this evening, June
14 17th, 2008.

15 This hearing is scheduled to accept public
16 comments concerning a Draft Water Discharge Permit
17 for J.B.D., L.L.C., 8222 Highway 90, Roanoke,
18 Louisiana 70581, for their J.B.D. Construction and
19 Demolition Landfill. Agency Interest Number is
20 132838. Permit Number is LA0123501. Activity
21 Tracking Number is PER20080001. The facility is
22 located at 8655 Joe Ledoux Road, Lake Charles,
23 Calcasieu Parish, Louisiana.

24 J.B.D., L.L.C., proposes to discharge
25 contact storm water from their J.B.D. Construction

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1 and Demolition Landfill.

2 The principal discharge from this existing

3 source is made ^{deqmeet} into a parish drainage ditch, thence
4 into the Calcasieu River in subsequent 031101 of
5 the Calcasieu River Basin, waters of the state
6 classified for primary contact recreation,
7 secondary contact recreation, and propagation of
8 fish and wildlife. Under the S.I.C. Code 4953, the
9 applicant proposes to discharge contact storm water
10 from the J.B.D. Construction and Demolition
11 Landfill.

12 This hearing is not being conducted in a
13 question and answer format. Please remember that
14 the purpose of this public hearing is for L.D.E.Q.
15 to receive your comments concerning a Draft Water
16 Discharge Permit.

17 This hearing is to provide all individuals
18 a chance to be heard regardless of their position
19 on the Draft Water Discharge Permit.

20 Courteous behavior is expected of everyone at
21 all times. You may speak in support of or in
22 opposition to this Draft Water Discharge Permit or
23 simply to provide additional information. All
24 interested persons will be given a reasonable
25 opportunity to comment unless testimony is not

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1 related to the purpose of the hearing. Your
2 comments will be evaluated and addressed in the
3 Department's written response.

4 A public notice advertising this Public
5 Hearing and Request for Public Comment on the Draft

6 water Discharge Permit was published on Thursday,
7 May 15th, 2008, in the American Press, Lake
8 Charles, and also in The Advocate, Baton Rouge,
9 Louisiana.

Copies of the material associated with the Draft Water Discharge Permit are available for inspection and review at L.D.E.Q., Public Records Center, Room 127, 602 North Fifth Street, Baton Rouge, Louisiana. Viewing hours are 8:00 a.m. to 4:30 p.m. Monday through Friday, except holidays. Additional copies are available for review at the Calcasieu Parish Central Library, 301 W. Claude Street, Lake Charles, Louisiana 70605, and also at the Calcasieu Public Library, Sulphur Regional Branch, 1160 Cypress Street, Sulphur, Louisiana 70663.

22 The available information can also be accessed
23 electronically on the Electronic Document
24 Management System (E.D.M.S.) on the D.E.Q. public
25 website at www.deq.louisiana.gov.

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1 In addition, copies of the public notice
2 announcing this public hearing were mailed Monday,
3 May 12, 2008, via the U.S. Postal Service and via
4 e-mail to individuals who have requested to be
5 placed on the mailing list maintained by the
6 L.D.E.Q. Office of Environmental Services.

7 In accordance with Louisiana Administrative
8 Code, Title 33, Part IX, Section 3113.B, comments

9 received by 12:30 ^{deqmeet} p.m., Monday, June 23rd, 2008,
10 will be considered prior to a final decision. All
11 comments heard and transcribed during this hearing
12 and all written comments received by 12:30 p.m.,
13 Monday, June 23, 2008, shall be retained by the
14 Department and considered in determining whether to
15 issue or deny the requested permit.

16 Written comments on the Draft Water
17 Discharge Permit may be submitted to Ms. Soumaya
18 Ghosn, L.D.E.Q.-O.E.S., Environmental Assistance
19 Division, P.O. Box 4313, Baton Rouge, Louisiana
20 70821-4313.

21 Under Louisiana Revised Statutes 30:2017,
22 as revised by the legislature in the 2004 session,
23 the Department is required to follow the following
24 order of speakers with the provision that the
25 presiding officer may give preference to a public

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1 official to speak at any time during the hearing.
2 However, any time limit set for citizen testimony
3 shall apply to public officials.

4 The Department must provide up to 30
5 minutes to the permit applicant for an introductory
6 presentation. Thereafter, the preference for
7 speaking up to one hour is given as follows:

8 For the first hour, to those citizens who
9 live within a two-mile radius of the location of
10 the facility;

11 For the second hour, to those citizens who

12 work within a ^{deqmeet} two-mile radius of the location of
13 the facility;
14 And for the third hour, to those citizens
15 who live within the parish of the location of the
16 facility.
17 Thereafter, each hour of the hearing shall
18 alternate between those who are in support of the
19 Draft Water Discharge Permit and those who are
20 opposed to it.
21 The order of speakers for tonight's hearing
22 will be based on information provided on the -- by
23 the speaker on the registration form. Those are
24 these right here (indicating). Anyone who
25 registered to speak but did not provide the

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1 necessary information will be given the opportunity
2 to speak; however, they will be called last in the
3 order of registration.

4 This hearing is being transcribe;
5 therefore, each speaker should begin his or her
6 comments by stating for the record their name,
7 address, and any organization he or she may
8 represent.

9 I would remind you to please turn off or
10 silence all cell phones and other electronic
11 devices, which I haven't done myself. So, I will
12 do that right now. There you go. Thank you.

13 At this time, the permit applicant's
14 representative may come forward and make their

15 deqmeet
introductory presentation. Thank you.
16 Are they here?
17 Anita Peterson?
18 MS. PETERSON: Thank you, Mr. Kirkpatrick.
19 My name is Anita Peterson. Address 18369 Petroleum
20 Drive, Baton Rouge, Louisiana. That is my business
21 address. I am here representing the client,
22 J.B.D., L.L.C., tonight.
23 I'd like to start by giving you all just a
24 short history of the facility. Mr. Mike Gilliam
25 operated this particular piece of property as a

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1 dirt pit, which I am certain all of you understand.
2 He had removed most of the saleable dirt prior to
3 Hurricane Rita hitting here, and at that point in
4 time, FEMA and the Corp of Engineers went to every
5 parish in south Louisiana that was affected by the
6 hurricane, went to the police juries, and,
7 basically, told them, "Find us some place to put
8 all these millions of tons of waste."

9 This waste was composed of what they
10 generally call "storm debris," which was trees,
11 woody plants. Any buildings, dwellings that were
12 destroyed or damaged beyond repair were also
13 included in this.

14 Not included in this were the contents of a
15 house, that being furniture, refrigerators, stoves,
16 those things we generally call "white goods." That
17 would be televisions, microwaves -- y'all all have

18 degmeet
18 them in your house -- those don't go in C and D
19 landfills.

20 Mr. Gilliam operated this facility under
21 the close scrutiny of the L.D.E.Q., FEMA, and the
22 Corp of Engineers. He was allowed to place these
23 materials that I just named in the site.

24 About three months into the disposal
25 operations, E.P.A. realized that there was a lot of

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1 non-friable asbestos in these old houses. A lot of
2 people that built houses back in the early '50s,
3 the late '40s, had this nice stuff on the outside
4 of them that didn't need painting. We called it
5 "Transite." Y'all called it "house siding." A lot
6 of this material had to be removed. It's
7 considered by E.P.A., FEMA, and D.E.Q. as what's
8 called "non-friable asbestos." What that means is,
9 the fibers are not going to dissipate into the air
10 as long as you don't do something like run over
11 them with a bulldozer, purposefully crush them.

12 There is a four-acre area at the back of
13 Mr. Gilliam's site that he has had written
14 permission to dispose of non-friable asbestos.
15 This material was brought in after it had been wet
16 at the site where it was removed from the dwelling,
17 hauled to the site, immediately brought back. They
18 already -- they had to have a hole dug back there.
19 Dirt was immediately placed on top of it.

20 The other parts of his operation were, as I

21 deqmeet
21 explained, he and all of the other facilities, to
22 keep from filling them up, were allowed to burn
23 tree debris, not C and D, something totally
24 different. One is part of a house; the other is
25 part of a tree or a bush.

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1 He burned these materials on top of an
2 inactive part of his landfill. When he was through
3 burning it, he put the wood ash, same kind of stuff
4 y'all got in your fireplaces at home, in the
5 landfill, covered it up.

6 Approximately in April of 2007, Mr. Gilliam
7 was notified that they no longer needed the use of
8 his emergency, hurricane disposal site. He was
9 given an order to close the facility.

10 D.E.Q. gave him precise instructions on how
11 to close it that consisted of developing slopes.
12 It's what we call a "three to one slope." What a
13 three to one slope is, is if you go in three feet,
14 you come up one foot. It makes a small slope
15 there. This is done to allow rain water to run off
16 of the facility. It's done in a small slope simply
17 to prevent erosion at the site.

18 On top of this waste, they place two feet
19 of re-compacted clay, which, as you know, doesn't
20 wash off very well, and then half a foot of
21 topsoil, and then it was seeded.

22 Mr. Gilliam had a local engineer go out,
23 bore holes in the facility to make certain that

24 deqmeet
there was two feet of clay and six inches of top
25 soil.

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1 These borings were then filled with what is
2 called "bentonite." It's a real sticky clay. It's
3 typically used in landfills to fill bore holes.
4 This engineer certified that what D.E.Q. required
5 was out there. D.E.Q. then signed off on this
6 site.

7 I think what is sort of bothering everybody
8 right now, he only used half of his site. The
9 other half of it, the western side of it, has good
10 clay under it just like the other side had. That's
11 why he was in the dirt business. He was selling
12 clay.

13 You see a lot of water out there. Well,
14 when you've got a clay bottom in something, it's
15 like if you put your bathtub out in the backyard
16 and you put a plug in the bottom of it. It's not
17 going to drain. So, he's got water out there, rain
18 water that has fallen into that area on the western
19 side of it. This water seems to be the major area
20 of concern for a lot of people. They seem to think
21 it's contaminated.

22 Looking at the materials that went into the
23 landfill, it's the same thing that's on your house
24 right now. It's shingles and 2-by-4's. When it
25 rains at your house, do you run out in the yard and

1 collect the water because you're afraid it's
2 contaminated? No. It's the same material. His is
3 even better; he's got clay on top of it. So, the
4 rain that's falling right now is not hitting the
5 waste.

6 Let's get to my present client, because Mr.
7 Gilliam is not my client. As you all saw, there is
8 that area out there with the water in it. As it
9 continues to rain, it's going to fill up. It may
10 even overflow. My client cannot control this. The
11 only way he can ever handle that water, treat that
12 water, or discharge that water is if he has a water
13 discharge permit, and if it keeps raining, it's
14 going to go out the ditch and down the road. Y'all
15 may have something to complain about then, but,
16 unfortunately, that's just a pond right now. It's
17 not a landfill.

18 Should my client receive the water permit
19 and the associated construction demolition
20 landfill, he will be under very close scrutiny of
21 D.E.Q. This is called a "standard permit." This
22 is what's issued when you aren't in an emergency
23 condition like we had after the hurricane. D.E.Q.,
24 E.P.A., and everybody else sort of did things like
25 they do in an emergency. They did not require

1 standard permits. They didn't require water

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2 discharge permits.

3 So, now my client has come up -- I don't
4 know about y'all, but I wouldn't want a pond
5 sitting out there with -- just open to the public,
6 which is what that is right now. Your kids could
7 go over there and, you know, play in it and drown.
8 I hate to -- you know, I realize nobody likes
9 landfills, but that facility would be much better
10 off if they were allowed to place construction
11 demolition debris.

12 It's a lot of people building houses now.
13 That stuff has got to go somewhere. It's still
14 people tearing down their old houses. It has to go
15 somewhere. It would be operated under the
16 requirements of a solid-waste permit granted by the
17 D.E.Q., requiring cover on it. They would have to
18 test the water once a month prior to discharge.

19 Basically, that's all I have to say about
20 it. We -- you have two options: a facility that's
21 totally unregulated right now or a facility where
22 you can rely on D.E.Q. to force them to operate it
23 properly. Thank you.

24 MR. KIRKPATRICK: Thank you, Ms. Peterson.

25 All right. I will allow -- I will now

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1 begin by allowing all persons who have signed up to
2 speak five minutes to present their comments.
3 Anyone who needs more than five minutes will be
4 allowed to complete his or her comments after all

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5 the registered speakers have had the opportunity to
6 speak.

7 Let me let you know how we will do this:
8 when you're speaking, if you get close, when four
9 minutes has gone by, I will hold my finger up like
10 that (indicating), and that means one. When you
11 get to your five minutes, I'll do like that
12 (indicating). That's probably better, and that
13 will mean your time. If you need extra time to
14 speak, you just tell me, and I'll be sure and make
15 a note of it and hold your sign-in sheet off to the
16 side, okay?

17 The first to speak will be those citizens
18 who live within a two-mile radius of the location
19 of the facility. The first person signed in is
20 Nancy Higginbotham.

21 Please give your name and address and all
22 that.

23 MS. HIGGINBOTHAM: My name is Nancy
24 Higginbotham. I am presently living on Budstell
25 Road, and I represent the community of Joe Ledoux

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1 and the Budstell area.

2 First, I want to thank Ms. Gosen for
3 allowing us to hold the meeting off so we can have
4 all our people here, due to the other conflict.
5 Thank you very much.

6 I am going to be quoting from a letter that
7 I have that's going to be sent to D.E.Q. by Ms.

deqmeet

8 Wilma Subra, who is an environmentalist out of New
9 Iberia, Louisiana, from Subra Company. So, I hope
10 I can get all of this in, in five minutes.

11 In her opening comments, Ms. Subra states
12 that the reopening and additional disposal of
13 construction and demolition debris at this location
14 is inappropriate.

15 Her next section in her letter talks about
16 inconsistent waste streams to be disposed, and I
17 won't go into all that.

18 She has -- her next section, which is
19 titled "Toxic Waste Already Disposed of and on the
20 Site" -- and Ms. Subra received all her
21 information, and we have also, on the D.E.Q.
22 E.D.M.S. website. She states in a section of this
23 letter that the hurricane construction and
24 demolition debris waste streams already disposed of
25 at the site include toxic waste streams, in

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1 addition to the construction and demolition debris
2 waste streams.

3 She also goes on to state that Sheetrock
4 and insulation, furniture, treated, untreated
5 lumber, municipal solid waste, (inaudible) scribed
6 solid waste, household hazardous waste, electronic
7 waste, asbestos, and many other liquid, solid toxic
8 waste streams.

9 She also goes on to state that this pit was
10 not properly lined, and it consists of sandy soils

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11 in contact with shallow ground-water resources.
12 The potential to contaminate the surface ground-
13 water resources and the marshland environments are
14 very high.

15 She also goes on to state that reopening
16 additional -- addition of waste to the site that
17 already poses a threat to human and health
18 environment is unacceptable.

19 She has another section in here for
20 additional stricter toxic monitor requirements and
21 discharge limits.

22 Her next section, "Failure to Apply for
23 Non-Contact Uncontaminated Storm Water Discharge,"
24 was the most important to me. She states, "In
25 application for a solid waste permit, the applicant

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1 stated, 'Temporary berms will be constructed to
2 separate and direct contaminated runoff from
3 uncontaminated storm water.'" This is an E.D.M.S.
4 document, Number 36339600, page 18 of 130. We have
5 that available if you need to see it. The
6 applicant only applied for a discharge permit for
7 contaminated storm water associated with
8 construction demolition debris and wood waste.

9 She also found in E.D.M.S. document number
10 36573099, page 21 of 99, that the applicant failed
11 to apply for a non-contact, uncontaminated storm
12 water discharge. Thus the permit application
13 should be denied.

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14 Her next section is "Lack of Treatment."
15 In application for the M.P.D.S. contact wastewater
16 discharge permit, it indicates that there is no
17 need for treatment of storm water anticipated. The
18 D.E.Q. regulations require that the construction
19 and demolition debris only be covered every 30
20 days. Thus the storm water will be contaminated
21 with chemicals and disposed-of waste and will also
22 possibly be contaminated by the leachate chemicals
23 and the disposed of waste and will also, possibly,
24 be contaminated from waste disposed of during the
25 previous disposal activities that occurred at the

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1 site.
2 The application should have required that
3 the facility include adequate treatment of waste
4 water in order to remove suspended and dissolvable
5 particulate materials, toxic heavy materials,
6 ammonia, volatile and semi-volatile organic
7 chemicals. The lack of proposed treatment is
8 unacceptable, will result in contamination of the
9 surface water resources in the area, and should be
10 used as a reason to deny the permit.

11 She also speaks on the existing water on
12 the site.

13 Is my time up?

14 MR. KIRKPATRICK: It's not up yet. Go on.
15 Keep on going.

16 MS. HIGGINBOTHAM: "The Lack of Need" is
Page 17

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17 another section that she has in here. In June of
18 '07, this pit was deemed no longer necessary. In
19 October of '07, this J.B.D. landfill applicant
20 stated that they would assist in managing
21 tremendous amount of wood waste, construction and
22 demolition debris waste, and waste that has
23 accumulated in the area since the recent
24 hurricanes. Well, 12 months --

25 MR. KIRKPATRICK: Your time is up. You

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1 will need to wrap it up.

2 MS. HIGGINBOTHAM: I'm almost done. I have
3 about one minute left.

4 MR. KIRKPATRICK: All right.

5 MS. HIGGINBOTHAM: This is 12 months after
6 a hurricane, and there is no longer a need for
7 hurricane disposal.

8 The ground water monitoring wells, which is
9 very important, one to ten feet is where we hit
10 water. The soils at the site are silty fine and
11 sandy silty clay. It's unacceptable for locating a
12 construction and demolition debris. Previous
13 disposal and operations inappropriate. Tests were
14 performed quickly to address this disposal during
15 Hurricane Rita.

16 She has a little bit more, but since my
17 time is up, I'll go ahead and let the next speaker
18 --

19 MR. KIRKPATRICK: Would you like to submit
Page 18

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20 that as an exhibit?

21 MS. HIGGINBOTHAM: Well, Ms. Subra is going
22 to send this letter to D.E.Q. I mean, I have it
23 highlighted and marked all over, and it's not very
24 pretty.

25 MR. KIRKPATRICK: We don't care if it's

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1 pretty.

2 MS. HIGGINBOTHAM: These are a book.

3 MR. KIRKPATRICK: I want your book.

4 MS. HIGGINBOTHAM: Okay.

5 MR. KIRKPATRICK: All right. Natalie
6 Robinson?

7 MS. ROBINSON: Hello. My name is Natalie
8 Robinson. I live at 8668 Budstell Road. We lost
9 our home at 8650 Budstell Road during the
10 hurricane, and I am here speaking on behalf of the
11 community, also.

12 Our largest concern right off the bat is
13 that yesterday morning Calcasieu Parish Planning
14 and Zoning just received the new Federal flood maps
15 that FEMA has worked on for two and a half years.
16 The part that the -- the area that Mr. Pousson is
17 asking to be permitted is zoned V.E., which the new
18 zoning for V.E., what they describe that to be, is
19 "special flood hazard, which is subject to high
20 velocity waters from tidal surge."

21 We are in a flood zone out there, and we
22 have documentation that -- of all of the

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23 contaminants that went into that landfill, and if
24 we happen to have another storm, any type of
25 situation in Calcasieu Parish where the water comes

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1 up, not only us as a community, it's going to
2 affect all of Calcasieu Parish. It's going to
3 bring what we're fighting right here into
4 everyone's back yard, and that is the back portion.
5 where the four acres that Ms. Anita Peterson was
6 speaking of, where the asbestos was received, that
7 part is in a V.E. zone.

8 On the application that Mr. Pousson had
9 filled out, it speaks about the information, as far
10 as any ideas or any knowledge to any contaminants
11 or anything that went into that landfill, and on
12 record he is noted as stating that there is nothing
13 -- no contamination, nothing of any substantial --
14 what would you say -- substantial material in that
15 area that would harm us. Well, in his application,
16 he states that the water is contaminated, and he
17 does have -- and he is working on a special plan to
18 remove the contaminated water, and that is in his
19 own words, his own writing, in his D.E.Q.
20 application.

21 The other thing, as far as the bore testing
22 that Ms. Peterson spoke of, we have the
23 documentation of the bore testing, and the clay
24 that she speaks of, there is one -- it was bore
25 tested three times, is all we were able to find on

1 D.E.Q.'s site. Not 300. Well, there is one
2 particular bore site that was drilled that is a,
3 possibly, acceptable to D.E.Q. under their
4 standards, but it would have to be reviewed by a
5 geologist. This is the exact words of a D.E.Q.
6 employee in the solid waste department.

7 The other two sites, bore site 2 and bore
8 site 3, silty clay, tan silty fine sand, silty clay
9 matrix. These here would definitely not pass.

10 As far as the pit being lined, it is
11 required to have clay along the sides of it. If it
12 does not have clay, then the D.E.Q. representative
13 told me that they haul clay in and pack it along
14 the sides and the bottom of the landfill. There is
15 no clay along the sides, and the bore testing is
16 showing that -- the bore testing is showing that it
17 is not conducive to what D.E.Q. standards are to
18 approve it.

19 That's it?

20 One minute?

21 MR. KIRKPATRICK: Do you need to come back?

22 MS. ROBINSON: Yes, sir, if I may.

23 MR. KIRKPATRICK: Okay. I'll keep you off
24 to the side.

25 MS. ROBINSON: Thank you, sir.

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1 MR. KIRKPATRICK: Joseph Bourque?

2 MR. BOURQUE: Joseph Bourque.

3 MR. KIRKPATRICK: You have to give your
4 address.

5 MR. BOURQUE: 8639 Joe Ledoux Road,
6 bordering the dirt pit, or trash dump.

7 That lady up there that come and spoke
8 first, I have a drink of water our of my water
9 well. It's about 75 to 80 feet away from this
10 contaminated dump you're talking about that's
11 clean. If you would like to have some, here it is.

12 Also, they talking about this clay liner
13 they put down. There's clay on top of the dirt,
14 and trash and all that. There is washed out spots
15 where the trash is exposed. There is trash on top
16 of the trash hole they are calling covered up now.
17 I live right there. I can walk right outside and
18 see trash out of my back door that is supposed to
19 be covered up. It's not. We got documentation
20 showing asbestos on top of the ground that's
21 underneath the water now, that they're going to
22 wish to pump out.

23 You want to pump it out into our waterways.
24 You're affecting everybody fishing, swimming,
25 hunting, the whole thing.

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1 Also, we've been in and out the hospital
2 for the last two years. I have sores on my feet,

3 my hands, stomach ^{deqmeet} issues. My dogs died. I have
4 another dog that has cancer growing on it all over
5 the place. I've had horses that died. Another
6 lady has had a horse die. I have a sister that is
7 ate up from head to toe with cancer. All this is
8 since this trash dump jump on and non-contaminated
9 has been put in.

10 None of y'all live there, and I would be
11 happy to have y'all come over, drink my water, take
12 a shower at my house. Smell the stuff that we have
13 to smell. Pay for the bottled water we've bee
14 paying for for these last few years since this dump
15 come along. None of you will.

16 The lady that come spoke is from Baton
17 Rouge. She has no clue what we got over here.
18 None. You're representing the wrong people. You
19 need to come represent on our side.

20 As far as the trash that's in there, the
21 storm debris, I was sitting there watching it.
22 We've got batteries, car batteries. We've got
23 household stuff. The white garbage they talk about
24 was in there everyday with the trees that was being
25 burnt. This stuff was burned with trees. It's

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1 buried in the hole. We were supposed to not have
2 trash being hauled in there in the middle of the
3 night, when we did. We've got 55-gallon drums in
4 this hole that's been covered up.

5 Y'all are hiding things, which is all about

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your money. I can understand that. Everybody
7 wants to get rich off the poor. Well, you're
8 killing me. You're trying to kill me, you're
9 trying to kill my kids, you're trying to kill my
10 wife, you're trying to kill my sister, the whole
11 neighborhood.
12 That's about all I have to say. It just --
13 best not open.
14 MR. KIRKPATRICK: Tammie Hardy?
15 MS. HARDY: Good evening. My name is
16 Tammie Hardy, and I live at 8530 Joe Ledoux Road.
17 Our concerns that this water runoff
18 proposal involve events and facts from the existing
19 Gilliam-Rita pit. Due to our personal witnessing
20 and living in this close proximity of this area,
21 watching what was hauled in, what was burned, what
22 was placed everywhere we couldn't even imagine, we
23 have severe questions and refer to different,
24 previous sightings from D.E.Q. to Mr. Gilliam on
25 infractions and concerns and improper handling at

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27

1 this site, to question impact of what this is going
2 to do to our environment as well as what this
3 runoff will do.

4 These are a few sightings from the field-
5 interview forms and pictures -- we do have pictures
6 to confirm these sightings. Pictures -- and other
7 pictures, by the way -- pictures to confirm these
8 facts. According to field interview form dated

12 large -- loads of ^{deqmeet} industrial hoses, rolled boxes of
13 tires, areas of exposed debris along the side of
14 the asbestos-dump area.

15 He states in the letter that they asked
16 him, he said he would clean it up and take care of
17 this. How long were these things sitting exposed
18 before D.E.Q. found them?

19 We also have pictures taken by Mr. Clayton
20 Miller of D.E.Q. to view these concerns and
21 questionable debris in the pit.

22 Mr. Gilliam was fined as recently as
23 January 2008 -- January 4, to be exact -- for nine
24 infractions totaling 18,771 cited by D.E.Q. We
25 have the paper to go through those nine citations if

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29

1 you would wish to go through them. Some of them
2 are really pretty pertinent to what's going on and
3 the failure and the -- the lack of records, the
4 lack of maintenance, the lack of air quality
5 records, lack of calibration on some of the
6 equipment, it's enough to scare you.

7 We would like to say, as a community, that
8 we lived through this. We lived every day with the
9 dump trucks. We lived every day with the burning.
10 Our children were not allowed to go outside when we
11 saw the smoke. They were not allowed to play
12 outside at night when we saw the fires. We had no
13 idea what we were breathing, what we were putting
14 up with. We do have lots of destruction on the

15 degmeet
block from the dump trucks. We have disintegrated
16 mail boxes. We have holes in yards where the
17 trucks ran off. I personally have a hole in my
18 yard where they had to get a track hoe to come get
19 it out of because it was fixing to dump over a load
20 of waste in my front yard.

21 We ask for your serious consideration
22 before letting something like this pass. The
23 pictures will be for viewing for anybody who would
24 like to see them after the meeting. Thank you.

25 MR. KIRKPATRICK: Thank you.

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1 Debra Weeks?

2 MS. WEEKS: Hi, my name is Debra Weeks. I
3 live at 8538 Joe Ledoux Road. My great grandfather
4 was Joseph M. Ledoux. My family has homesteaded
5 this area for more years than any of us in this
6 room have been alive.

7 During the aftermath from Rita, we all
8 lived in FEMA trailers. My FEMA trailer happened
9 to have a door that faced the road, and we watched
10 the dump trucks pass, and we watched the dump
11 trucks pass, and we saw everything that went into
12 the dump.

13 I have a report from Mark Bergeron. Mark
14 was an operator at the FEMA site. This is a
15 notarized statement from Mark, and he may be here
16 and wish to speak to you afterwards, if I'm not
17 mistaken. I'm going to read a direct quote which

18 degmeet
has been witnessed and notarized from Mark
19 Bergeron. "I, Mark Bergeron, worked as an operator
20 during Hurricane Rita cleanup. This site was
21 located at 8655 Joe Ledoux Road. As an operator, I
22 buried various debris in this pit via track hoe and
23 dozier. Materials buried specifically were air
24 conditioners, refrigerators, freezers, tires,
25 washers, dryers, water heaters, paint, household

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31

1 chemicals, propane bottles, and et cetera. The
2 clay in this pit was previously dug out for
3 construction use.

4 I am writing this in concern for the
5 environmental issues and health issues for the
6 people living near and around the proposed J.B.D.
7 disposal site." Thank you.

8 MR. KIRKPATRICK: Jamie Robinson?

9 MR. ROBINSON: Declined.

10 UNKNOWN SPEAKER: He didn't know he had
11 signed up.

12 MR. KIRKPATRICK: Okay. We don't make you
13 talk if you don't want to.

14 UNKNOWN SPEAKER: I wasn't given my
15 instructions.

16 MR. KIRKPATRICK: You can attend
17 anonymously.

18 COURT REPORTER: What was his name?

19 MR. KIRKPATRICK: Jamie Robinson.

20 Claude Devall?

24 property. I had a ^{deqmeet} conversation with the guy of
25 exactly why it was being left there. It was

1 because of the hurricane. It was a different
2 situation, and they needed a place to put them.
3 This is one story of the -- I went there one day.
4 This place, I know, worked from daylight to dark.
5 If you would come home at ten or eleven at night,
6 you could let the lights coming out of it, and I
7 don't think my situation was any different than
8 anybody else's. They let anything be put in it
9 because of the hurricane and because of the
10 situation we were in. Why the folks are here today
11 is, is the fact that now we want to pump it out and
12 start the whole process over again.

13 The violations also go -- I think it's a
14 question of how much involvement Gilliam is still
15 going to have in this. I don't think he's a bad
16 actor that's getting out. It was done for money in
17 the first place, and it's still going to be done
18 for money. It's pretty slick whenever you get
19 somebody else to come in, pay you a whole lot of
20 money for a piece of property in the event that
21 this is passed, and in the event that there is
22 going to be more waste on it.

23 In effect, what D.E.Q. is doing is, they
24 would be rewarding somebody for beating the system,
25 for violations they are not paying, and, like I

1 said, once again, it shows the knowledge of what
2 D.E.Q. already has in the hole.

3 Second, it's the manner in which the pit
4 was obtained, which I think is more of a technical
5 rule, but how the license was based upon a crisis.

6 It was opened under an emergency order, and
7 I think this matters for a few different reasons.
8 One is, it goes back to what has been put in the
9 hole. Many of the environmental requirements of
10 opening such a pit were waived, meaning that
11 hazardous materials, ranging from asbestos to
12 machinery to white goods, are soaking in that
13 water, many of which were burned, causing that much
14 more of an effect on the water that's being
15 requested to be pumped out.

16 Second in that is that the pit does not
17 have a license at the moment and has never obtained
18 a license under the normal, I guess you say, the
19 regular permitting request. The necessary studies
20 related to the property have never been done. In
21 effect, they are saying, "We're going to pump the
22 water out, and then we're going to start dumping it
23 on the site again." They're dumping in a site that
24 doesn't have a permit. The permit was done for
25 emergency reasons, none of which exist right now.

1 So, even if they pump it out tomorrow, what's the

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2 good of it. They can't do anything with the pit.
3 Legally, they can't.

4 The next is environmental impacts, and I
5 think the reason we're here tonight is the
6 environmental impact that's going to occur if the
7 water is pumped out into the local marshes, onto
8 these people's lands and into the Calcasieu Lake.

9 Like I said, we need to look at the
10 procedural posture of this permit, and, if drained,
11 can they even begin dumping in this pit right now
12 anyway? The answer to that is no. The pit is not
13 and has never been permitted as a standard C and D
14 disposal site. According to D.E.Q.'s own web site,
15 they have a list of all the sites that are
16 permitted. This is not one of those sites. This
17 is regardless of whether or not the permit is dry -
18 - I mean, whether or not the pit is dry or not.

19 Based upon the fact that the soil at the site
20 is so porous, it's not full because of rain that's
21 in the site. It's full because it's next to a
22 marsh. Everybody knows if you did a hole out
23 there, you better do whatever you're going to do
24 quick because it only takes about a half a day and
25 it's full of water again. If they pump it out

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36

1 today and it doesn't rain for the next month, it
2 will still be full in two days. That shows the
3 kind of ground that everybody is working -- that
4 everybody has out there. An engineer can say what

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5 they want; common folks usually know what they're
6 living on. It's very porous property, and it's
7 next to a marsh.

8 Like I said, the pit was allowed under the
9 guise of an emergency or disaster situation. The
10 pit was opened under emergency order, and as a
11 result of such, many of the dumping standards were
12 waived or they were relaxed. Rightfully so. It
13 was a tough situation. It was a tough time, and we
14 had to have a place to deal with all the extra
15 trash. That doesn't give them the right to now
16 pump that trash on us.

17 MR. KIRKPATRICK: You're out of time.

18 MR. DEVAL: That's fine. I reserve time.

19 MR. KIRKPATRICK: Do you want to come back?

20 MR. DEVAL: Yes, sir.

21 MR. KIRKPATRICK: Cathy Schnexider?

22 MS. SCHNEXIDER: My name is Cathy
23 Schnexider. I live at 8366 Joe Ledoux Road.

24 My concerns are with the capping and the
25 closure of the Mike Gilliam landfill. Requirements

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37

1 for closure were as follows: "Final cover shall
2 consist of a minimum of 24 inches of silty clays
3 and 6 inches of top soil covered for supporting
4 vegetative growth; however, other covers that
5 provide a more practical answer and satisfy the
6 purposes of minimalizing fire hazzards, odors,
7 vector food, and harborage and infiltration of

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8 precipitation as well as discouraging scavenging
9 and limiting erosion may be submitted for approval
10 by the administrative authority. Final cover shall
11 be completed within 90 days after final grades are
12 reached."

13 They also have number 21. "The integrity
14 of the grade and cap must be maintained for no less
15 than three years after the date of administrative
16 authorities' approval of the closure of the
17 facility. Annual reports concerning the integrity
18 of the cap shall be submitted to the office of
19 Environmental Compliance, Surveillance Division,
20 for a period of three years after closure."

21 On March 13th, 2008, Gilliam was sent a
22 letter of corrective violations, which leads us to
23 believe that in the year of 2007, after the pit had
24 been closed, capping was not properly constructed.
25 Top soils are not noted on the bore samples, and we

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38

1 want to know, has a certified engineer been to the
2 site to verify that it was properly closed? As of
3 now, it shows that it is silty clay, which would
4 allow toxic materials to seep out.

5 The violation is: "The respondent failed
6 to comply with any of the provisions of the solid
7 waste regulations or the terms and conditions of
8 any permit granted or order issued in violation of
9 LAC33:V11.901A. Specifically, the facility did not
10 submit the annual report as outlined in the interim

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11 operational plan and the facility did not have the
12 site certified closed by a professional engineer."
13 This violation was addressed on or about October
14 11th, 2007, as verified by correspondence dated
15 October 11th, 2007. A copy of the annual report
16 and a copy of the site being certified closed was
17 submitted to the department.

18 We're concerned about how long had the
19 water been seeping and leaking before all this took
20 place and what toxins have been released in, and
21 was it ever fixed, because we don't have any report
22 on that. We also have it in a book if anybody
23 cares to read it.

24 I live on Joe Ledoux Road. I was out here
25 before the hurricane was out here. I was out here

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39

1 after the hurricane. We would sit in our FEMA
2 camper, and we would watch the dump trucks. We had
3 to go out in our yard and pick up trash daily
4 because these dump trucks would travel down the
5 road at ungodly speeds and stuff would fly out. My
6 husband works at the plants, and some of the stuff
7 that was in the road, he wouldn't even allow me to
8 pick up until he went in with gloves and everything
9 to pick it up, and we'd put it in our trash can and
10 put it in bags, because it was bad. We didn't know
11 what it was.

12 So, I don't know what all was dumped out
13 there, but I know a lot of stuff that wasn't

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14 supposed to be dumped out there, and I'm like
15 wayne, we have to buy our water. We have to spend
16 a lot of money on filter systems and everything
17 else. Our clothes don't smell good anymore. We
18 get stains from the water. It's scary. I don't
19 let me friends that come over to my house drink any
20 of the water or anything else. I just hope you
21 don't -- that you take this into consideration,
22 that we don't want it out there and that we're
23 scared. Thank you.

24 MR. KIRKPATRICK: Ronald Higginbotham?

25 MR. HIGGINBOTHAM: Hello. I'm Ronald

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1 Higginbotham. I live at 8600 Budstell Road, Lake
2 Charles, Louisiana. I'm representing south Lake
3 Charles Community here tonight. And I'm up here to
4 just simply ask if we can have an extension of time
5 from the June 23rd, 2008, if we could have just a
6 little bit of an extension of time.

7 MR. KIRKPATRICK: I'm unable to grant you
8 any time. You'd have to make that request in
9 writing to D.E.Q.

10 MR. HIGGINBOTHAM: Thank you. That's all
11 the time I need.

12 MR. KIRKPATRICK: Okay.

13 Mark Bergeron?

14 MR. BERGERON: I'm Mark Bergeron. I'm an
15 alcoholic. Sorry. Wrong class. I was an operator
16 out there at the landfill. The people that live in

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17 that area, I feel real sorry for what they're going
18 through. I think y'all really need to consider not
19 to let this pass and take care of these people
20 because it's not going to get any better. It's
21 going to get worse. Thank you.

22 MR. KIRKPATRICK: Preston Benoit?

23 MR. BENOIT: My name is Preston Benoit.
24 417 Parish Farm Road, Iowa, Louisiana. I was an
25 operator out at the pit. It was talk of linings.

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41

1 I know of none that was put in place. There was a
2 whole bunch of stuff dumped out there, asbestos and
3 stuff. We was just like Joe and them; we were in
4 the middle of everything. So, I'm really concerned
5 for the people that live around the area, because
6 like my uncle said, it ain't going to get no
7 better. It's going to get worse. Thank you.

8 MR. KIRKPATRICK: Roger Burgess?

9 MR. BURGESS: Roger Burgess. My address is
10 Post Office Drawer 7820, Lake Charles, Louisiana.
11 I'm with the law firm of Baggett, McCall, and
12 Burgess. I'm not going to be one of the popular
13 guys here today. I represent Mike Gilliam. I've
14 represented him for a long time.

15 Mr. Gilliam doesn't really have a big dog
16 in this particular hunt, but the thing that I'm
17 here to do -- he's in Atlanta, or he would be
18 talking for himself tonight. Mr. Gilliam did have
19 a permit. T. Claude, you said it, I think, very

deqmeet

20 well. It was an emergency situation, and Mr.
21 Gilliam has been permitted for everything that was
22 put into the landfill. In fact, there is asbestos
23 in the landfill; no question about it. It is non-
24 friable. The reason I know about non-friable
25 asbestos is my law firm is a leading law firm in

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42

1 representing people who have been exposed to
2 asbestos. We represent people who have developed
3 the most serious cancers as a result of being
4 exposed to asbestos. We take it very seriously.

5 And I don't have any expertise to come tell you
6 that I've been out there to check the landfill to
7 make sure the D.E.Q. and E.P.A. were properly
8 checking that landfill, but Mr. Gilliam relied on
9 D.E.Q. and E.P.A. to make sure that what he was
10 doing was in accordance with their rules and
11 regulations.

12 Now, I represent him on the citations, and
13 he has been cited; there's not question about it.
14 The citations that we typically get when we are
15 representing somebody like in the E.D.C. spill are
16 millions and millions of dollars for their
17 violations. In this particular case, the
18 violations are for failure to fill out the forms
19 properly that he should have, and Mr. Gilliam does
20 not deny that in any way and is not trying to
21 escape liability for not filling out the various
22 forms and getting them to the D.E.Q. in an

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23 appropriate -- or FEMA -- in an appropriate
24 fashion. He readily admits that some paperwork was
25 not done. Significant failure on paperwork runs

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43

1 you into hundreds of thousands and millions of
2 dollars-worth of penalties, and his penalties are
3 less than \$20,000.

4 It was a financial concern, and it was a
5 financial reward for him to utilize his property.
6 Unfortunately, I know there is now -- the folks
7 that are his neighbors are incensed by what is
8 going on. But Mr. Gilliam has asked me to come to
9 talk to you tonight to say, from his standpoint,
10 not that anybody cares what his standpoint is, from
11 his standpoint, is that he relied on the D.E.Q. and
12 the E.P.A. to make sure that what was put in the
13 landfill, emergency basis or not, was appropriate
14 and not going to be hazardous to his neighbors. He
15 has no expertise to make those determinations. So,
16 his position is, "With some exceptions on
17 paperwork, I abided by the law. I expected to be
18 checked. I expected to have folks going out and
19 taking a look at how much clay we put out there and
20 how much top soil is out there." Ultimately, his
21 desire has always been to comply, including doing
22 all the paperwork. That just didn't get done in a
23 appropriate fashion.

24 But I can tell you, Mr. Gilliam doesn't
25 want anybody's water to be contaminated. Mr.

1 Gilliam doesn't want anybody to have any kind of a
2 cancer threat.

3 One of the things that we do know about --
4 one of the things we do know about at Baggett
5 McCall are the risks that are involved in being
6 exposed to hazardous materials and then developing
7 serious disease as a result of it. So, I take it
8 really seriously. My thought is, that's one of the
9 things that D.E.Q. is going to have to make sure
10 of. The E.P.A. needs to make sure that there's not
11 going to be further contamination of any sort,
12 there's not going to be anything else that goes out
13 there that's going to hurt anybody. Mr. Gilliam
14 has no control over that, but that's what his
15 expectations are, that if there is a permit, that
16 there are going to be people who know what they're
17 doing, who are out there watching every minute.
18 Thank you.

19 MR. KIRKPATRICK: Sherry Cormier?

20 MS. CORMIER: Hi. I'm Sherry Cormier. I
21 live at 1230 Rosetta Street in Lake Charles. The
22 last thing I expected to do tonight was talk. I
23 came because I love some people that live on Joe
24 Ledoux Road, and I'm worried about their situation.
25 After hearing some of the things that the other

1 side has said, now I'm even more worried. They're
2 not very comforting.

3 We live ten miles away. We fish at
4 Calcasieu Point. We crab there with our children.
5 We visit with the Schnexiders pretty often. We do
6 fun things at their house, barbeques and what not.

7 Since the hurricane, things have been
8 different. We would go for a barbeque, but we
9 would watch trucks go by with major debris. Things
10 that we knew -- we knew -- from common sense did
11 not belong in that dump. I remember asking Cathy,
12 "who is watching? who is doing this? who is
13 paying attention?" well, evidently somebody wasn't
14 because now there is a problem, but they want
15 everybody to feel okay about it.

16 So, this is what I have to say: These
17 people have lost their homes. They've lost
18 everything, and they've started all over again from
19 the ground up. They lived in little shoe boxes on
20 wheels. I think it's putting a double hardship on
21 these people to have to worry about the health of
22 their children and their spouses for the benefit of
23 somebody getting a profit, because that's what it
24 comes down to. It's the health of the neighborhood
25 and all their children and all the children that

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1 are to come or profit for this company.

2 For me, it's an easy guess, you know. I

3 degmeet
live in Lake Charles. I have two children with a
4 disability that they think can be attributed to
5 things in the environment. I take this kind of
6 stuff very seriously, and when I heard that it was
7 possibly in the water, the shallow water, you got
8 my attention now. I would really beg you not to
9 allow this, please.

10 MR. KIRKPATRICK: I don't have any more
11 sign-in sheets. Let's see. I'll recall Natalie
12 Robinson.

13 The same five-minute rule applies.

14 MS. ROBINSON: Okay. I know y'all don't
15 want to hear me talk for five more minutes on this,
16 but I'm Natalie Robinson. 8668 Budstell Road, Lake
17 Charles, Louisiana.

18 From what we understand, this dump is
19 needed for -- or will be used for the demolition of
20 the old Sears building, and we all know how old
21 that building is, and we are concerned, as far as
22 the asbestos issue in that situation, if it is used
23 and deposited there at this location.

24 With everything that's been said about the
25 pit, how -- we would like to know, "How D.E.Q.

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47

1 plans to please this. We know that you can't
2 answer. We don't expect an answer from you, but
3 those are our concerns.

4 who is going to do the monitoring, because,
5 as we have seen before, there has been a lot of

6 failure in different ^{deqmeet} levels of monitoring. How
7 often will the monitoring be done? When will the
8 results of the tests be given? And if there is a
9 problem, who will fix it? And how will the problem
10 be re-mediated? That's what we would like to know.

11 At this point, we have -- we have
12 environmentalists who are very concerned because of
13 the testing. Of course, we did not have time to
14 get tests back, and we are sending tests off,
15 because they are concerned for the -- in our water,
16 with levels of chromium six. I'm sure all of you
17 have seen the show Erin Brockovich. Benzene, this
18 is in our water. I take that back. I hope this is
19 not in our water, but as -- on the record, the
20 water out there is contaminated, and this is -- as
21 a matter of fact, we have pictures of about 400
22 foot of hoses where they actually pumped this
23 contaminated water onto my property. We have kids
24 out there that hunt, fish. We do not allow the
25 kids to swim in the ponds any more. They're not

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48

1 allowed to eat the fish anymore.

2 Do you know what? Another thing that many
3 of you may not know, but everyone in the community
4 that was there, we had to wear masks when we went
5 outside, day and night, because there was a light
6 grayish film that covered our vehicles, our
7 animals, us. We do have pictures of all of the
8 asbestos that you say is not going to harm us

9 because it was just deposited and not disturbed.
10 The asbestos was all burned. We have statements,
11 and we have pictures. So, how safe are our
12 children? Because, you now what, it's not about a
13 buck out there. We never disturbed Mr. Gilliam.
14 We were happy that he was one to actually -- you
15 know, he got in on something good. We never
16 disturbed him, but we didn't expect for us to have
17 to worry about our children's water, what they
18 drank down the road.

19 Thank you very much.

20 MR. KIRKPATRICK: Claude Devall?

21 MR. DEVALL: Thank you.

22 MR. KIRKPATRICK: The same rules apply.

23 MR. DEVAL: As I was saying, from a
24 procedural standpoint, they're asking for a permit
25 for a pit that doesn't exist. As I was saying

49

1 before, in effect, what we are doing is putting the
2 cart before the horse. This pit was allowed under
3 the guise of emergency and disaster situation.

4 As we stand here today, there is no
5 evidence before this panel that has or will be
6 offered to D.E.Q. by J.B.D., L.L.C., to prove or
7 suggest in any way that this pit must be reopened
8 due to a natural disaster or some emergency as was
9 created by the hurricane. As a result of such,
10 they don't have a right to put anything in the
11 landfill as it is. That's from a procedural

12 standpoint.

13 Now what can be done is, they have to start
14 this process over again. And that is, where they
15 stand today, they should be first requesting the
16 right to open a landfill, not to drain it and keep
17 putting more dangerous things into it.

18 Chapter 7 of the D.E.Q. guidelines required
19 that "any C and D landfill must have a standard
20 permit." The reason for that standard permit is
21 that they go through the normal process. They go
22 through the testing process. They go through a lot
23 of different concerns which exist and that people
24 can actually look into on a daily basis. It isn't
25 during a hurricane whenever we needed somewhere to

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1 put thousands of houses, and so we gave the bid to
2 the first guy that came along. By doing what is
3 being requested here is to bypass that process.
4 You're bypassing the rights of the public and the
5 D.E.Q. to have a right to test the different
6 materials that are already out there and to
7 actually address a lot of issues that everybody has
8 addressed here tonight. One, can you even have
9 such a permit in a flood zone? Should it be
10 allowed? You know, one of the reasons for that
11 flood zone is because in a hurricane everything is
12 destroyed and there is debris everywhere. I'd say
13 the best way to put debris everywhere and to ruin a
14 place is by digging a big hole and filling it full

15 of construction ^{deqmeet} material and waiting for the water
16 to rise again. That in itself is a reason why it
17 shouldn't, and through the right process, it won't
18 be approved.

19 The second is the fact there is pending
20 environmental concerns on the property already.

21 Next is, what real advantages will it have
22 to the community? They're asking to open a half-
23 filled, polluted dump site, and they're claiming
24 that that's in the best interest of the community,
25 as opposed to, if the dump site is needed, open a

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51

1 brand-new one. There are other people that are
2 requesting every day to have a site opened.
3 They're not asking to have it opened in a marsh, in
4 an area that is already full of asbestos, and it's
5 already full of refrigerators, freon, and
6 everything else.

7 I understand if there is an emergency, this
8 isn't the way to answer it. It's not by taking the
9 very worst of the different options and going this
10 way. Under those emergency conditions they
11 accepted materials as everybody said tonight that
12 would normally not have been accepted. washing
13 machines. Air conditioners. As I said, there is a
14 gas tank that I personally know that I brought
15 there. They haven't explained where the entire
16 mobile home that was sitting in the middle of the
17 site went to. Now, I know after I saw it, there

18 degmeet
18 was a fire not long after that, and based upon
19 anything you could see, it was burned right there
20 on site. They didn't take it apart. I would be
21 surprised if they took anything out of it. The
22 whole mobile home, along with asbestos and
23 everything else, was lit on fire.

24 The next -- and, really, this all comes
25 back to -- what's in that site comes back to, not

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52

1 even the opening of the site, but it's just a
2 simple draining of that water. And the water that
3 they're asking to pump into these folks yards and
4 into the lake is full of oil, it's full of
5 coolants, and it's the remains of treated lumber
6 and asbestos that's been burned. At the very
7 least, that lumber is going to have arsenic in it.

8 Now, I understand the lady had a good point
9 earlier. Is it really the best thing to do to just
10 let it sit there. I don't think the answer to that
11 is yes, either. According to Title 33 of the
12 Environmental Regulatory Code posted on the D.E.Q.
13 website, it's very clear. We shouldn't be looking
14 at how to drain the burn pit in out waterways, and
15 we shouldn't be looking into exactly how Mr.
16 Gilliam's going to pump this out and how it's going
17 to start a new site. What we should be looking
18 into is how he's going to clean it up, how he's
19 going to get the water out of it, and how we're
20 going to cover this up to where water doesn't hold

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in it anymore. Part 6 addresses that, and it's
22 real clear. It's called the "Inactive and
23 Abandoned Hazardous Substance Site Remediation."
24 Like I said, the first lady says there are two
25 options, and that's not true. There's a third

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1 option. The third option is to clean it up like it
2 should be done, and it's real clear in the statute.
3 Title 33, Part 6, shows a way of notice for Mr.
4 Gilliam and it also addresses R.S. 30 and 22:75.
5 what should be happening under those statutes is
6 that at this time, he should be getting notice of a
7 hearing to remediate this land. It shouldn't be to
8 reopen it. At which time, he should be required to
9 have the water removed. It should be removed by
10 trucks to a water treatment facility. It should be
11 removed, but not into our ditches. Second, it's to
12 stop the bleeding of the damage that's already been
13 caused. That's not going to be by putting more
14 trash on top of it and, more than anything, letting
15 it keep sinking and going lower and leeching into
16 our drinking water and into the lake.

17 On behalf of the citizens in the area, I'd
18 ask that not only the permit be denied but that the
19 site is cleaned up like it is supposed to be under
20 D.E.Q. rules, is that the -- then they have a lot
21 of different reasons to do that. One is the
22 concern of the citizens. The second is the proof
23 of the damage that's already been caused. It's the

24 proof of the damage^{deqmeet} that will be caused along with
25 the procedural nature of the permit and it's

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1 prematurity and the fact that, legally, they don't
2 have the right to be dumping any waste or anything
3 in this environment even if they do get the drain
4 tomorrow. Thank you.

5 MR. KIRKPATRICK: Are there any other
6 comments?

7 Did you sign in?

8 UNKNOWN SPEAKER: No.

9 MR. KIRKPATRICK: You need to.

10 UNKNOWN SPEAKER: Okay. Do I need to sign
11 in right now?

12 MR. KIRKPATRICK: You can get up and talk
13 until I -- that's okay. You don't have to go
14 around the planet to get here.

15 UNKNOWN SPEAKER: I don't? I can talk
16 right there?

17 MR. KIRKPATRICK: No. You have to come up
18 here.

19 MS. JOHNSON: Teresa Johnson. 8764
20 Budstell Road. I do live out there, and I did lose
21 everything, and the one thing I want people to
22 understand, we chose to live there. It may be
23 marsh to some people, but it is our homes, and when
24 we say "flood zone," we're not talking about an
25 inch of flood water. It was five foot in our

1 house. We totally lost everything. So, to put a
2 land disposal in a flood zone, to me, is just
3 unheard of. Thank you.

4 MR. KIRKPATRICK: Are there any other
5 comments?

6 MS. HIGGINBOTHAM: I'd like to present a
7 document. Can I come back up?

8 MR. KIRKPATRICK: Certainly.

9 MS. HIGGINBOTHAM: Is that legal?

10 MR. KIRKPATRICK: Sure. That's what we're
11 here for. If you want to submit an exhibit, just
12 say so, and we'll mark it and do all that stuff.

13 MS. HIGGINBOTHAM: I'm sure we'll be
14 sending you all of this.

15 My name is Nancy Higginbotham. I live at
16 8600 Budstell Road. We've been talking about all
17 the chemicals and the hazardous materials that are
18 in this pit, and how it is not lined properly and
19 how porous and pervious this soil is and just how
20 easily we hit water. I want to talk about some of
21 the things -- some of the measurements from Mr.
22 Gilliam's report -- this is in one of his annual
23 reports -- about the amount that was dumped in this
24 pit. This is reported on July 1st, '06, through
25 June 30th, 2007. For wood waste, he has 7,780

1 tons. Tipping, which I'm not sure what tipping is,
Page 50

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2 he has 9,164.4 tons. What upsets me the most,
3 friable asbestos, 6,480 tons. That's in a pit that
4 is porous, that has been burned, and what's not
5 monitored by proper air control. My son, at 13
6 years old, gets up every morning of his Christmas
7 break at five o'clock in the morning to put his
8 waders on to go hunting in these marshes. I now
9 have to tell him, "You can't hunt," "You can't
10 fish," "You can't crab," "You can't swim in your
11 pond," "You can't train your hunting dog," because
12 if he goes in that pond, he may be contaminated.
13 We have lost our way of life. We talk about the
14 Friday night fais do-do, all the music, the fun,
15 the crawfish boils. This is how we live. Everybody
16 out there, we're a very strong, close-knit
17 community. All I want to say is, please take into
18 consideration our culture, our children, our
19 environment, our complete way of life before you
20 allow this waste water to be drained off into our
21 environment and completely take away what we know
22 as Louisiana. Thank you.

23 MR. KIRKPATRICK: Are there any other
24 comments?

25 Did you want to submit an exhibit?

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1 MS. HIGGINBOTHAM: I used the term
2 "submit." I meant to --

3 MR. KIRKPATRICK: Well, you can mail it in.
4 Please tell us your name and all that.

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5 MS. HARDY: My name is Tammie Hardy. 8530
6 Joe Ledoux Road.

7 We ask everybody to come by and look at the
8 pictures that we do have. We have some very
9 incriminating pictures that will just totally
10 disgust everybody. But this one particularly
11 caught my eye, because this is a picture of the
12 exposed asbestos from 5/09/2007 that is now sitting
13 under the water, which parts of this need to be
14 drained off. This asbestos is exposed. This
15 picture was taken from the D.E.Q. Thank you.

16 MR. KIRKPATRICK: Are there any other
17 comments?

18 MS. WEEKS: I have one more comment.

19 I would just like to pose a question --

20 MR. KIRKPATRICK: Your name and address?

21 MS. WEEKS: I'm sorry. Debbie Weeks. 8538
22 Joe Ledoux Road. By the way, I've lived out there
23 for 18 years. I would just like to know how the
24 question posed by -- I know that a lot of things
25 are permitted under emergency situations for the

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1 pit. But I've been told by several different
2 people in the know that white goods, and I take
3 that to mean, as it was exposed to me,
4 refrigerators, freezers, washing machines, and
5 other things that contain Freon and stuff like that
6 -- I was told by numerous people that, that pit was
7 never permitted to house any white goods. Now,

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8 that was the one thing that was not allowed in that
9 pit. We have heard people tonight talk about the
10 fact that they themselves put white goods in that
11 dump, and that -- I just wanted to know if that was
12 ever permitted, or am I wrong about that?

13 MR. KIRKPATRICK: This isn't a question and
14 answer format.

15 MS. WEEKS: Okay.

16 MR. KIRKPATRICK: This is just to get your
17 --

18 MS. WEEKS: Okay. Well, it was just a
19 concern.

20 MR. KIRKPATRICK: You can call and ask.

21 MS. WEEKS: Thank you.

22 MR. KIRKPATRICK: Yes, ma'am.

23 Are there any other comments?

24 Well, are you going to speak?

25 MR. BOURQUE: Yes. Yes. Joseph Bourque.

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1 8639 Joe Ledoux Road. I would like everybody to
2 know that we have not just moved out there. Most
3 of all of us have been out there for 37, 40 years.
4 We've personally been there for 37 years, back when
5 it was nothing but soybean fields and flood lands.
6 None of this disaster stuff was even out there. No
7 sign of dirt pits out there. Nothing. That's who
8 I'm really recognizing. We have a picture showing
9 the hoses dumping onto our property, which water
10 was dumped out onto our land where our horses have

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11 been suffering, and the ones that have died, they
12 were out there by that. If you would like to look
13 at it, it will be up here with all our exhibits,
14 also.

15 MR. KIRKPATRICK: Are you going to submit
16 that as an exhibit?

17 UNKNOWN SPEAKER: Are y'all going to keep
18 them?

19 MR. KIRKPATRICK: Yes.

20 UNKNOWN SPEAKER: No, we'll make copies.

21 MR. BOURQUE: We'll have to make you a copy
22 and mail it to you.

23 UNKNOWN SPEAKER: We'll Fed-Ex all of this
24 to you.

25 MR. KIRKPATRICK: That's fine. I mean, if

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1 you want to submit it as an exhibit, I'll receive
2 it and mark it as such, you know, and it will go in
3 the public record.

4 MR. BOURQUE: Second of all, I would like
5 to see test holes done. The newspaper said there
6 was 300 bore samples. There was three. Out of the
7 three bore samples, none of them went through the
8 trash. Zero. It was all in dirt. I personally
9 live right on the property. I'm right there. I
10 would like to see 300 bore samples in the trash, or
11 I would like to see a track hoe go out there and
12 dig to my specifications, where at the ground, and
13 let's see what's in that trash. Would y'all like

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14 to do that? Just set a track hoe up out there.
15 I'll point in the ground where to dig a hole and
16 let's dig it.

17 I didn't think so. Thank you.

18 MR. KIRKPATRICK: All right. Any other
19 comments? Going once, twice, three times.

20 I remind you that the comment period for
21 the Draft Water Discharge Permit for J.B.D.,
22 L.L.C., 8222 Highway 90, Roanoke, Louisiana 70581
23 to discharge contact storm water from their J.B.D.
24 Construction and Demolition Landfill ends at 12:30
25 p.m., Monday June 23rd, 2008.

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61

1 All comments receive, requests for
2 notification of the final decision and the
3 transcript from the hearing are processed by the
4 Public Participation Group and are available on
5 E.D.M.S.

6 The permit writer reviews all comments and
7 uses any additional information that is appropriate
8 to update the permitting information.

9 The names and address of all the
10 commentors, speakers and those requesting to be
11 notified of the final decision are added to the
12 public comment database.

13 A final draft of the permit and the
14 response to the public comments are prepared and
15 forwarded to the Office of Environmental Services
16 Assistant Secretary for final decision.

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17 Upon the issuance of the permit, a letter
18 is mailed to all the commentors, speakers, and
19 those who requested to be notified of a final
20 decision -- or the denial of the permit, I should
21 have put that in there. The final decision
22 includes the appeal process, the basis of decision
23 and the response to all the public comments
24 received.
25 There are no -- I have received no exhibits

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62

1 during this hearing.
2 If there are no other comments, thank you
3 for attention and participation in the hearing.
4 Let the record reflect that the time is
5 7:45 p.m. This hearing is closed.

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